

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

<b>ROBERT DEWITT and NANCY L.</b>	<b>§</b>
<b>DEWITT</b>	<b>§</b>
Plaintiffs,	<b>§</b>
§	<b>§</b>
<b>VS.</b>	<b>§ CIVIL ACTION NO. 1:11-CV-186</b>
§	<b>§</b>
<b>STIS, INC. and SOUTHEAST TEXAS</b>	<b>§</b>
<b>INDUSTRIES, INC.</b>	<b>§</b>
Defendants.	<b>§</b>

**PLAINTIFFS' MOTION TO DISMISS DEFENDANT,  
SOUTHEAST TEXAS INDUSTRIES, INC. WITH PREJUDICE**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiffs Robert Dewitt and Nancy L. Dewitt, by and through their counsel of record Steven C. Barkley, announce to the Court and all parties that Plaintiffs no longer wish to pursue their claims and causes of action against Defendant Southeast Texas Industries, Inc., and Plaintiffs hereby request that the Court enter an Order dismissing all claims and causes of action asserted by Plaintiffs against Defendant Southeast Texas Industries, Inc., WITH PREJUDICE to the refilling of same. Plaintiffs are aware that the Order being sought from the Court will preclude them from filing any claims or causes of action in the future against Defendant Southeast Texas Industries, Inc., related to the incident made the basis of the above-styled suit, and Plaintiffs announce to the Court that this request is being made voluntarily without any inducement from anyone.

Respectfully submitted,

STEVEN C. BARKLEY  
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*/s/ Steven C. Barkley (by permission DLM)*  
**STEVEN C. BARKLEY, ESQ.**  
TEXAS STATE BAR NO. 01750500

**ATTORNEY FOR PLAINTIFFS**  
ROBERT DEWITT and wife, NANCY  
DEWITT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all known counsel of record via certified mail and/or with the Eastern District's EC/EMF (federal court electronic filing system) on this 13<sup>th</sup> day of September, 2012.

*/s/ Steven C. Barkley*  
**STEVEN C. BARKLEY**

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<b>ROBERT DEWITT and NANCY L. DEWITT</b>	<b>§</b>
<b>Plaintiffs,</b>	<b>§</b>
<b>VS.</b>	<b>§ CIVIL ACTION NO. 1:11-CV-186</b>
<b>STIS, INC. and SOUTHEAST TEXAS INDUSTRIES, INC.</b>	<b>§</b>
<b>Defendants.</b>	<b>§</b>

**ORDER GRANTING PLAINTIFFS' MOTION TO DISMISS DEFENDANT,  
SOUTHEAST TEXAS INDUSTRIES, INC., WITH PREJUDICE**

**ON THIS DAY CAME ON TO BE CONSIDERED** the Motion to Dismiss Defendant, Southeast Texas Industries, Inc., With Prejudice, filed by Plaintiffs. The Plaintiffs have represented to the Court that their request for a dismissal with prejudice of Defendant, Southeast Texas Industries, Inc., is being done voluntarily and with the understanding that they will no longer have any right to reassert claims or to bring new claims against Defendant, Southeast Texas Industries, Inc., arising from the incident made the basis of the above-styled and numbered suit. Accordingly, the Court considers Plaintiffs' Motion to be meritorious. It is, therefore,

**ORDERED, ADJUSDGED AND DECREED** that Plaintiffs' Motion to Dismiss Defendant, Southeast Texas Industries, Inc., With Prejudice, be and is hereby **GRANTED**. The Court hereby dismisses Defendant Southeast Texas Industries, Inc., from all claims and causes of action asserted against it, **WITH PREJUDICE**, to the Plaintiffs' refiling of same. No further action from the Court or any parties is necessary for this Order to take effect.